

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

ANGEL ENRIQUE NUÑEZ ESCOBAR, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	Case No. 3:11-cv-994
	)	
v.	)	Judge Campbell
	)	Magistrate Judge Bryant
LEE GAINES, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	Jury Demand

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**DECLARATION OF R. ANDREW FREE**

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Pursuant to 28 U.S.C. § 1746, I, R. Andrew Free, hereby declare under penalty of perjury that the following is true and accurate:

1. I am an adult of sound mind and body and am in all respects competent to make the following declaration.
2. I am one of the attorneys for the Plaintiffs in the above-captioned matter.
3. Attached hereto as Exhibit A are true and correct copies of CSS0117, 119, Daily Activities of Crime Suppression Services security officers.
4. Attached hereto as Exhibit B is a true and correct copy of GSTT00009.
5. Attached hereto as Exhibit C is a true and correct copy of GSTT00008.
6. Attached hereto as Exhibit D is a true and correct copy of GSTT00774.
7. Attached hereto as Exhibit E is a true and correct copy of GSTT01131.
8. Attached hereto as Exhibit F is a true and correct copy of CSS0038.
9. Attached hereto as Exhibit G is a true and correct copy of CSS0045.

10. Attached hereto as Exhibit H is a true and correct copy of REVISED \_REDACTED \_ICE\_SUBPOENA\_00460.
11. Attached hereto as Exhibit I is a true and correct copy of GSTT00019.
12. Attached hereto as Exhibit J is a true and correct copy of Defendant Paul West's Answers to Plaintiffs Interrogatory Numbers 1 and 7.
13. Attached hereto as Exhibit K is a true and correct copy of GSTT00020.
14. Attached hereto as Exhibit L is a true and correct copy of GSTT14412.
15. Attached hereto as Exhibit M is a true and true and correct copy of an excerpt from the deposition of Jim Jerrell.
16. Attached hereto as Exhibit N is a true and correct copy of GSTT00780.
17. The only evidence Defendants offer in support of their Motion for Partial Summary Judgment is the contemporaneously filed Declaration of Paul West. ECF No. 275-1.
18. As outlined in the Plaintiffs' Statement of Additional Facts Requiring Denial of Summary Judgment, significant record evidence exists that calls into question the accuracy of the Defendants' factual claims.
19. However, in order to fully and effectively respond to Defendants' motion, Plaintiffs require additional discovery.
20. Specifically, Plaintiffs need an opportunity to depose Paul West and all four CSS employees who were present at the Clairmont Apartments when the raid occurred on October 20, 2010. Each individual's personal knowledge of precisely what took place before, during, and after the raid is a critical, fact-specific element of Plaintiffs' response which can only be obtained through deposition testimony.

21. For similar reasons, Plaintiffs must also depose Defendant Tracy Hall, with whom West spoke immediately before and immediately after the Clairmont raid, and Stephanie Preciado, who spoke with West the following day about the raid and its aftermath.
22. Plaintiffs also must depose the MNPD and ICE defendants who were present during the Clairmont raid in order to be able to fully respond to the uncorroborated claims in Mr. West's deposition as to his actions and those of CSS's other employees.
23. Until Plaintiffs' counsel have had an opportunity to depose those directly involved, they will be unable to fully and directly respond to Defendants' factual assertions.

Date: August 16, 2013

Respectfully submitted,



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R. Andrew Free